

Sidney H. Scheinberg, Esq.
State Bar No. 17736620
Godwin Lewis PC
5700 Granite Parkway, Suite 450
Plano, TX 75024
(214)939-4501; Fax (214)527-3116
Email: Sid.Scheinberg@GodwinLewis.com
Attorneys for Movant
Huntington National Bank

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	
Neil Thomas Stefansky,	§	
	§	CASE NO. 13-70310
	§	Hearing Date: October 16, 2013 at 10:00 am
Debtor.	§	

MOTION TO LIFT AUTOMATIC STAY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Huntington National Bank, hereinafter called Movant, and makes this, its Motion to Lift Automatic Stay against Debtor Neil Thomas Stefansky and pursuant to 11 U.S.C. § 362(d)(1) for cause, by reason of a lack of adequate protection of Movant's rights as a secured creditor, and alternatively, pursuant to 11 U.S.C. § 362(d)(2) by reason of the Debtor's lack of equity in the property, and for grounds thereof respectfully shows the Court the following:

1. Movant would show the Court that on or about 11/5/2003, Debtor Neil Thomas Stefansky executed and delivered to Movant a certain Promissory Note and Security Agreement ("Loan Documents") in the principal amount of \$202,100.00, for the purchase of a real property located at 3426 Marl Place, Columbus, OH 43221 described in Exhibit A as Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number One Hundred Ten (110) of Quar Pointe Section 2 Part 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 99,

pages 48 and 49, Recorder's Office, Franklin County, Ohio. Parcel Number 560-261410-00 Commonly known as: 3426 Marl Place, Columbus, OH 43221, wherein Debtor agreed to pay Movant 360 payments of \$979.48 beginning on 1/1/2004. A copy of the Loan Documents are attached hereto as Exhibit A and incorporated herein for all intents and purposes.

2. Debtor is in arrears to Movant on monthly direct payments. Debtor is currently due for the 3/1/2013 through 9/1/2013 payments and late charges.
3. Movant demands proof of and maintenance of hazard insurance on the property, listing Huntington National Bank as loss-payee and otherwise acceptable to Movant on the policy.
4. Movant asks the Court to lift the Automatic Stay as it pertains to the property set out herein, and allow Movant to pursue its remedies under State law, or in the alternative, provide adequate protection to ensure that Movant's interests are properly preserved.
5. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

6. NOTICE TO PARTIES IN INTEREST:

ANY OBJECTION OR REQUEST FOR HEARING MUST BE FILED WITH:

Clerk, United States Bankruptcy Court
Northern District of Texas
Wichita Falls Division
1000 Lamar Street Room 222,
Wichita Falls, TX 76301-3430

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE

COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

WHEREFORE, PREMISES CONSIDERED, Movant prays the Court enter an Order terminating the automatic stay to permit Movant to exercise its state law remedies pursuant to the terms of the Loan Documents attached hereto. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay;

Respectfully submitted,

GODWIN LEWIS PC

BY: /s/ Sidney H. Scheinberg
SIDNEY H. SCHEINBERG-17736620
5700 Granite Parkway, Suite 450
Plano, TX 75024
(214)939-4501; Fax (214)527-3116
Email: Sid.Scheinberg@GodwinLewis.com
ATTORNEYS FOR MOVANT
Huntington National Bank

NOTICE OF HEARING

A Hearing on the foregoing Motion to Lift Automatic Stay is set for October 16, 2013 at 10:00 am, before Judge Harlin DeWayne Hale, U.S. Bankruptcy Court, Northern District of Texas, Wichita Falls Division.

/s/ Sidney H. Scheinberg
SIDNEY H. SCHEINBERG

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing Motion to Lift Automatic Stay has been served on each of the following parties of interest on September 24, 2013, either by electronic notification or first class mail:

Debtor's Attorney
Monte J. White
Monte J. White & Associates, P.C.
1106 Brook Avenue
Wichita Falls, TX 76301

Debtor
Neil Thomas Stefansky
2300 Roberts Avenue
Wichita Falls, TX 76301

Trustee
Shawn K. Brown
P.O. Box 93749
Southlake, TX 76092

U.S. Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-1496

/s/ Sidney H. Scheinberg
SIDNEY H. SCHEINBERG

CERTIFICATE OF CONFERENCE

I certify that I contacted the office of Debtor's attorney, who indicated that they were opposed to this motion.

/s/ Sidney H. Scheinberg
SIDNEY H. SCHEINBERG